

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	
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Ikuno NUNO et al.	:	
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Serial No. 10/593,717	:	Art Unit: 3689
	:	
Filed: September 21, 2006	:	Examiner: Fisher, Michael J.
	:	
For: ELECTRONIC SERVICE MANUAL	:	Atty Docket: 0121/0059
GENERATION METHOD, ADDITIONAL	:	
DATA GENERATION METHOD,	:	
ELECTRONIC SERVICE MANUAL	:	
GENERATION APPARATUS,	:	
ADDITIONAL DATA GENERATION	:	
APPARATUS, ELECTRONIC SERVICE	:	
MANUAL GENERATION PROGRAM,	:	
ADDITIONAL DATA GENERATION	:	
PROGRAM, AND RECORDING MEDIA	:	
ON WHICH THESE PROGRAMS ARE	:	
RECORDED	:	
	:	

PETITION UNDER 37 CFR 1.181
REQUEST FOR CLARIFICATION (PCT Legal)

Mail Stop PCT
Attention: PCT Legal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Request is filed to obtain clarification from PCT Legal in regard to the Office Action that the examiner mailed out on September 1, 2010 wherein the Office Action was directed to the claims 1-32 that were filed with the original Japanese application, instead of claims 1-28¹ that were filed under the Article 34 Amendment for the PCT application (PCT/JP2005/005880) from which the instant application claims priority when the U.S. national phase of the PCT ' 880 application was entered.

¹ After the conversation with the examiner, the undersigned reviewed the image file wrapper of the instant application in PAIR and was able to locate the amended claims under the listing "Documents submitted with 371 application" (87 pages) dated September 21, 2006.

Upon receipt of the September 1, 2010 Office Action the undersigned had called the examiner on September 8, 2010, leaving a message with the examiner informing him that he may have examined the wrong claims. On September 15, 2010, the examiner called the undersigned and informed the undersigned that he (the examiner) was correct in examining the original claims 1-32 that were in the application. He further informed the undersigned that he has worked in the Patent Office for 10 years, and has worked on a great number of PCT cases; and that for every one of those PCT cases, it is the claims as originally filed that are examined, notwithstanding any amended claims that were filed in the PCT application. He further informed the undersigned that that is the way it works in the United States, as what takes place in the PCT application has no bearing on the US application, and furthermore that he had checked (presumably with PCT Legal or his supervisor) and has confirmation that his understanding is correct, and that the understanding by the undersigned that it should be the amended claims that he examined is wrong. The examiner furthermore suggested to the undersigned that the undersigned should better understand the PCT practice since he (the examiner) does not want to be bothered with things like this again.

So that the undersigned is clear with respect to whether the examiner is correct in examining the original claims 1-32 instead of the amended claims 1-28, the undersigned hereby submits this Petition to obtain clarification, as the undersigned obviously has a different understanding than the examiner's.

In view of the above, it is respectfully requested that clarification be made as to which set of claims should be examined, i.e., whether it is the original claims 1-32 or the amended claims 1-28 that were filed during the pendency of the PCT application. And if the undersigned is correct that it should be claims 1-28 that the examiner should have reviewed, it is further requested that the director order the examiner to issue a new Office Action directed to those claims.

Respectfully submitted,

/louis woo/

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Date: September 15, 2010